

1 M. Jonathan Hayes (Bar No. 90388)  
2 Matthew D. Resnik (Bar No. 182562)  
3 Roksanan D. Moradi (Bar No. 266572)  
4 Carolyn M. Afari (Bar No. 283681)  
5 **SIMÓN RESNIK HAYES LLP**  
6 15233 Ventura Blvd., Suite 250  
7 Sherman Oaks, CA 91403  
8 **Telephone:** (818) 783-6251  
9 **Facsimile:** (818) 827-4919  
10 jhayes@SRHLawFirm.com  
11 matthew@SRHLawFirm.com  
12 roksana@SRHLawFirm.com  
13 carolyn@SRHLawFirm.com

14 *Attorneys for Debtor*  
15 Danilo Labid

FILED & ENTERED

OCT 17 2013

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
BY deramus DEPUTY CLERK

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

SANTA ANA DIVISION

In re } Case No. 8:12-bk-20156-SC  
12 } Chapter 11  
13 }  
14 } Debtor. } **ORDER CONFIRMING DEBTOR'S**  
15 } **FIRST AMENDED PLAN OF**  
16 } **REORGANIZATION**  
17 }  
18 }  
19 }

**Plan Confirmation Hearing:**  
Date: October 10, 2013  
Time: 11:00 a.m.  
Place: 411 W. Fourth Street  
Courtroom 5C  
Santa Ana, CA 92701

The hearing on confirmation of the First Amended Plan of Reorganization of the Debtor and Debtor-in-Possession, Danilo Labid ("Debtor"), came on regularly for hearing on October 10, 2013, before the Honorable Scott C. Clarkson, United States Bankruptcy Judge.

Upon consideration of the Debtor's Plan Confirmation Brief, the declarations and evidence submitted in connection therewith, the record in the Debtor's Chapter 11 case, the arguments and representations of counsel, and there being no written objections, and good cause appearing therefore, the Court finds;

1        1.        That the requirements for confirmation set forth in 11 U.S.C. §1129(a)  
2 and (b) have been satisfied;

3        2.        That the Plan complies with the applicable provisions of Chapter 11 of  
4 the Code;

5        3.        That the Debtor, as proponent of the Plan, has complied with the  
6 applicable provisions of the Code;

7        4.        That the Plan has been proposed in good faith and not by any means  
8 forbidden by law;

9        5.        That any payment made or promised by the Debtor for services or for  
10 costs and expenses in, or in connection with the case or in connection with the Plan and  
11 incident to the case, have been disclosed to the Court; and

12        6.        Any such payment made before confirmation of the Plan is reasonable or  
13 if such payment is to be fixed after confirmation of the Plan, such payment is subject to the  
14 approval of the Court as reasonable;

15        7.        That with respect to each class, each holder of a claim or interest of such  
16 class has accepted the Plan or will receive or retain under the Plan on account of such  
17 claim or interest property of value, as of the effective date of the Plan, that is not less than  
18 the amount that such holder would so receive or retain if the Debtor were to liquidate  
19 under Chapter 7;

20        8.        That with respect to each class, such class has accepted the Plan or such  
21 class is not impaired under the Plan;

22        9.        That as to any class that has not accepted the Plan and is impaired, all  
23 the elements of §1129(b) have been met;

24        10.       That, except to the extent that the holder of a particular claim has agreed  
25 to a different treatment of such claim, the Plan provides that:

26            a) With respect to claim of a kind specified in §507(a)(1) of Code, on the effective  
27 date of the Plan, the holder of such claim will receive on account of such claim cash  
28 equal to the allowed amount of such claim or has agreed to treatment otherwise;

1           11.       That at least one class of claims has accepted the Plan, determined  
2 without including any acceptance of the Plan by an insider holding an claim of such class;

3           12.       That Confirmation of the Plan is not likely to be followed by the  
4 liquidation or the need for further financial reorganization of the Debtor or any successor  
5 to the Debtor under the Plan, unless such liquidation or reorganization is proposed in the  
6 Plan.

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8           IT IS ORDERED that:

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10          1.       The Plan filed by the Debtor is hereby confirmed and approved by this  
11 Court, conditioned upon the Debtor's payment of all outstanding quarterly fees to the  
12 Office of the United States Trustee;

13          2.       The Debtor shall distribute all property to be distributed pursuant to the  
14 terms of the Plan. The Debtor may employ or contract with other entities including  
15 attorneys to assist in or to perform the distribution of said property as provided for in the  
16 Plan;

17          3.       Upon the substantial consummation of the Plan, the Debtor shall file an  
18 Application for a Final Decree as required by Federal Rule of Bankruptcy Procedure 3022;

19          4.       The Effective Date of the Plan shall be the 14<sup>th</sup> day following the entry  
20 of this Order, with Plan payments starting on the first day of the following month;

21          5.       Costs owing by the Debtor to the Court Clerk, if any, shall be paid  
22 forthwith if not already paid. Fees owing to the Office of the United States Trustee, if any,  
23 will be paid until the issuance of the Final Decree;

24          6.       A Post Confirmation Status Conference re Chapter 11 Plan is set for  
25 March 20, 2014 at 11:00 a.m.

26          7.       The Debtor must file a Post Confirmation Status Report prior to the Post  
27 Confirmation Status Conference, explaining what progress has been made toward  
28 consummation of the confirmed Plan of Reorganization. The Post Confirmation Status

1 Report must be served on the United States Trustee, the twenty (20) largest unsecured  
2 creditors, and those parties who have requested special notice. Further Reports must be  
3 filed every 180 days thereafter and served on the same entities, unless otherwise ordered  
4 by the Court and until a Final Decree has been entered. The Post Confirmation Status  
5 Report shall include at least the following information:

6           a. A schedule listing for each debt and each class of claims; the total  
7 amount required to be paid under the Plan; the amount required to be paid as of the date of  
8 the Post Confirmation Status Report; the amount actually paid as of the date of the Post  
9 Confirmation Status Report; and the deficiency, if any, in required payments;

10           b. A schedule of any and all post-confirmation tax liabilities that have  
11 accrued or come due, and a detailed explanation of payments thereon;

12           c. An estimate of the date for Plan consummation and application for Final  
13 Decree; and

14           d. Any other pertinent information needed to explain the progress toward  
15 completion of the confirmed Plan.

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24 Date: October 17, 2013  
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Scott C. Clarkson  
United States Bankruptcy Judge

## **NOTICE OF ENTERED ORDER AND SERVICE LIST**

Notice is given by the court that a judgment or order entitled (*specify*): **ORDER CONFIRMING DEBTOR'S FIRST AMENDED PLAN OF REORGANIZATION** was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner stated below:

**1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of **(date) 10/17/2013** the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

- Brandon J Anand brandon@anandlaw.com
- Dolores Garcia dgarcia@portfoliorecovery.com
- Nichole Glowin nglowin@wrightlegal.net, bkgroup@wrightlegal.net
- Michael J Hauser michael.hauser@usdoj.gov
- M Jonathan Hayes jhayes@srlawfirm.com,  
roksana@srlawfirm.com;carolyn@srlawfirm.com;shawnj@srlawfirm.com;rosarioz@srlawfirm.com;jhayesecf@gmail.com;j@alkazian.com
- John H Kim jkim@cookseylaw.com
- Marisol A Nagata cdcaecf@bdfgroup.com
- Kelly M Raftery bknotice@mccarthyholthus.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
- Darlene C Vigil cdcaecf@bdfgroup.com
- David J Warner David.J.Warner@irs counsel.treas.gov
- Kristin A Zilberstein bknotice@mccarthyholthus.com,  
kzilberstein@mccarthyholthus.com

Service information continued on attached page

**2. SERVED BY THE COURT VIA UNITED STATES MAIL:** A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following persons and/or entities at the addresses indicated below:

Service information continued on attached page

**3. TO BE SERVED BY THE LODGING PARTY:** Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

Service information continued on attached page